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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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21186 7590 07/13/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER LAO, LUN S	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/492,913

Applicant(s)

EATON ET AL.

Examiner

Lun-See Lao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 15-72 and 93-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This action is in response to the NOTICE OF APPEAL filed on 04-02-2007. Claims 6-14 and 73-92 have been withdrawn. Claims 1-5, 15-72 and 93-95 are pending.

Transitional After Final Practice

2. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's notice of appeal submission after final filed on 04-02-2007 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 15-21, 24-26, 30,32-33, 36, 47- 53,56-58, 64-66, 68-69 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. (US PAT 6,424,722) in view of Anderson (US PAT 5,721,783).

Consider claim 1, Hagen teaches a method comprising

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communicating between a mobile device (see fig.9, portable multiprogram unit PMU 320, col. 12, line 66 – col. 13, line 9) and programming fitting server (see fig.9, host computer 236, to perform programming function, col. 10, lines 11-22); and

programming software in a hearing aid (e.g, download or program software in to the memory 374 (fig.10) of hearing aid device 344 in (fig.9)) using the programming fitting device (236) and the mobile device ((320) and see col. 14, line 1 - col. 15, line 37); but Hagen does not teach that the communication between the mobile device and the programming fitting server uses a mobile wireless communication protocol.

However, Anderson teaches programming (adjusting hearing compensation) hearing devices (see fig.1, 10), wherein communication between a mobile device (16, col. 3, line 51-col.4 line 14) and a programming fitting server (19 and see col.27 line 21-24) uses a mobile wireless communication protocol (see col. 25 line 15-col. 26 line 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Anderson into Hagen to use a mobile wireless communication protocol to establish communication between the mobile device and the programming fitting server so that more convenience could be provided to the user.

Consider claim 15, it is essentially similar to claim 1 and is rejected for the reason stated above apropos to claim 1.

Consider claims 2-3, Hagen teaches a programming software in a hearing aid includes upgrading software in the hearing aid (see figs. 9-10 and col. 14 line 1-col. 15 line 37); and the programming software in a hearing aid includes sending a

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distributed application from the server (see fig.9, (236 central computer and see col.2, line 22-42)) to the mobile device (320 in fig.9), the distributed application being adapted to interact with the hearing aid (see col. 14 line 1-col. 15 line 37).

Consider claim 4, Hagen teaches programming a hearing aid system (344, 348 in fig.9) through a mobile device (320, portable multiprogram unit PMU 320, col. 12, line 66 – col. 13, line 9) wherein programming the hearing aid system includes (see figs 9-10 and col. 14 line 1 –col. 15 line 15):

receiving (download, col. 13, lines 4-11; col. 14, lines 16-18) a distributed application (programming software in hearing aid memory) in the mobile device (PMU, 320) from a programming fitting server (host computer 236, col. 10, lines 11-22); and

using the distributed application to program a hearing aid in the hearing aid system (adjust parameters, col. 15 lines 7-12, 19-26 and See additionally, col. 14 line 1-col. 15 line 37); but Hagen does not clearly teaches the receiving is through at least one long-range network using the at least one mobile wireless communication protocol.

However, Anderson teaches wireless communications, implemented on a mobile wireless communication protocol, between the mobile device and the programming fitting server. See discussion of claim 1. Anderson teaches long-range network (see fig.1 and see col. 3 line 51-col. 4 line 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Anderson into Hagen to use a mobile wireless communication protocol to establish communication between the mobile device

and the programming fitting server so that more convenience could be provided to the user.

Consider claim 15, Hagen teaches that a hearing aid system having hearing aid (see fig.9 (344,348)), programming fitting server (236), mobile device (320) adapted to communicate with the programming fitting server (326) and to program the software in the hearing aid (344,348), as discussed in detail in the rejection of claim 1 and 4 with respect to Hagen.

Hagen does not teach that the communication between the mobile device and the programming fitting server uses a mobile wireless communication protocol.

Anderson teaches a mobile device (RPU 16 with wireless link circuitry 19) receives programming (test program) using a mobile wireless communication protocol (secondary wireless link), alternative to wired link. Col. 27, lines 22-24. See additionally, fig.2, col.5 line 60-col. 6 line 46, col.25 line 15-col. 26 line 53.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Anderson into Hagen to use a mobile wireless communication protocol to establish communication between the mobile device and the programming fitting server so that more convenience could be provided to the user.

Consider claim 16, Hagen teaches that the server (see fig.9, 236 such as center computer and see col.2, line 22-42) is adapted to transmit a distributed application to the mobile device (320) the distributed application being adapted to interact with the hearing aid (344,348 and see col. 14 line 1-col. 15 line 33).

Consider claims 17 and 48-49, Anderson teaches a server adapted to communicate with the mobile device ((because by local area networking and see fig.1, 13 in associated with 16 to provide a mobile device and col.27 lines 4-24)(see col.26 lines 6-53); and the system of further comprising at least one network to facilitate communications at least among the hearing aid system, the mobile device (see fig.1, 13 in associate with 16 to provide a mobile device and col.27 lines 4-24), and the server (see col.26 lines 6-53 and see the discussion in claim 15).

Consider claims 18-19 and 50-51, Hagen teaches that the system of the hearing aid system includes a hearing aid programming system (see fig.9 and col.14 line 1-col.15 line 33); and the system of the hearing aid system is capable of audio signal processing system (see figs.9-10 and col.14 line 1-col.15 line 33).

Consider claims 20 and 52, Hagen teaches that the system of the hearing aid system includes a programming module adapted to communicate with the hearing aid, and wherein the programming module is adapted to communicate with the mobile device (320 in fig. 9) so as to receive at least one programming instruction from the mobile device (320) to program the hearing aid (see fig.9, 344, 348 and col.14 line 1-col.15 line 33).

Consider claim 21, Anderson teaches the system of the programming module includes a headset (see fig.2, 28).

Consider claim 24, Anderson teaches that the system of the mobile device includes a mobile device selected from a group consisting of a digital cellular telephone, a

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personal digital assistant, and a personal communication and information device (see fig.2).

Consider claims 25-26 and 57-58 the mobile device (see fig.9, (320)) of the system of Hagen is adapted to inherently synchronize data with the server (see fig.9, 236 such as central computer and see col.2, line 22-42 and col. 14 line 1-col. 15 line 33); and the mobile device (see fig.9 320) receive an upgraded audiological software from the server (see fig.9, 236 such as, central computer and see col.2, line 22-42 and col. 14 line 1-col. 15 line 33).

Consider claim 30, Anderson teaches the system of the mobile device is configured to communicate with the hearing system over a short-range network (see fig.2 and col.5 line 61-col.6 line 25).

Consider claims 32-33, and 64-65, Anderson teaches that the system of the optical (reads on infrared) communication network (see fig.1) includes an optical communication network using Infrared Data Association (IrDA) protocol (see col.22 line 63-col.23 line 35); and the system of the hearing aid system is adapted to communicate with the mobile device wirelessly through the short-range network (see fig.2 (between 23 and 22)).

Consider claim 36, Hagen as modified by Anderson teaches a system comprising:
a hearing aid system having a hearing aid (344,348, discussion of claim 1);
a distributed application (hearing aid programming software, discussion of claim 4);
a mobile device adapted (320) to program the hearing aid, the mobile device adapted to receive the distributed application from a computer (236) (discussion of claim 4,

receiving); the mobile device (320) adapted to use the distributed application to program the hearing aid (discussion of claim 15, to program).

Hagen does not teach the reception uses mobile wireless communication protocol and through long-range network.

Anderson teaches a mobile device (RPU 16 with wireless link circuitry 19) receives programming information using a mobile wireless communication protocol (secondary wireless link), alternative to wired link, as discussed in detail in the rejection of claim 15. Anderson also teaches a long-range network (see col. 25 line 15-col. 26 line 53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Anderson into Hagen to include a wireless communication for the reception through a long-range network. Note discussion of claim 15 for a motivation to combine.

Consider claims 47-48, Hagen as modified by Anderson teaches hearing aid system having a hearing aid (344,348 in fig.9); and terminal (320) adapted to program software in the hearing aid (discussion of claim 15, to program), the terminal adapted to use at least one wire communication protocol to communicate with a programming fitting server (236) (discussion of claim 15, to communicate). It is noted that software (program 1, ..., program N) in the hearing aid in Hagen is transmitted from PMU 320 and programmed/controlled by the PMU (col. 14, line 55-62; col. 15, lines 1-18).

Consider claim 53, Anderson teaches that the system of the programming module includes a headset (see fig.2) that is capable of communicating ambient information (see col. 26 line 6-col.27 line 24).

Consider claim 56, Anderson teaches the system of the terminal is a data terminal (see figs.2 and 5a-5b and col.11 line 19-col.12 line 46).

Consider claim 66, note discussion of claims 1 and 4 for hearing aid system having a hearing aid (344, 348), programming fitting server (236) adapted to store (col. 10, lines 11-22), distributed application (hearing aid programming software), and terminal (320) adapted to program the hearing aid (344,348), the terminal adapted to communicate using a wire communication protocol to receive the distributed application from the server (discussion of claim 4, with respect to receiving).

Hagen as modified further teaches the terminal / mobile device (320) is adapted to use the distributed application to interact with the hearing aid (adjust parameters, col. 15, lines 7-12, 19-26). Note discussion of claim 1 for a motivation to combine.

It is noted that "the mobile device" of line 6 is interpreted as "the terminal", as best understood and as it appears to be.

Consider claims 68 and 69, Anderson teaches that the terminal is adapted to communicate using a wireless access protocol (such as cellular telephone and see col.26 lines 6-24); and the system of the distributed application includes an object (such as for matching telephone number) that is adapted to receive information from the server and adapted to transmit information to the server (see col.25 line 15-col.26 line 24).

Consider claim 94, Anderson teaches the system of the mobile device is adapted to communicate using a Wireless Access Protocol (such as cellular telephone and see col.5 line 22-col.6 line 25).

5. Claim 22-23 and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. (US PAT 6,424,722) as modified by Anderson (US PAT 5,721,783) as claims 15 and 47 above, and further in view of Shennib (US PAT 5,197,332).

Consider claims 22, 54, Hagen and Anderson do not teach the hearing aid is capable of digital audio compression and decompression, and wherein the programming module is capable of digital audio compression and decompression.

However, Shennib teaches the hearing aid is capable of digital audio compression and decompression, and wherein the programming module is capable of digital audio compression and decompression (see col.6 line 62-col.8 line 25).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Shennib into the teaching of Hagen and Anderson to provide a unitary system for both testing of hearing and programming a programmable hearing aid for faster communication between two system.

Consider claims 23, 55, Shennib teaches the system of the programming module is capable of sending a test audio signal to the hearing aid so as to test at least one aural response of a patient (see col.7 line 22-col.8 line 29).

6. Claims 27-29, 31-32 and 34-35 and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. (US PAT 6,424,722) as modified by Anderson

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(US PAT 5,721,783) as claims 15 and 47 above, and further in view of Leppisaari et al. (US PAT 6,717,925).

Consider claims 27 and 59, Hagen and Anderson do not teach that the system of the mobile device is adapted to use a data service protocol selected from a group consisting of General Packet Radio Service (GPRS), High-Speed Circuit-Switched Data Service (HSCSD), Enhanced Data Rate for GSM Evolution (EDGE), Integrated Services Digital Network (ISDN), Universal Mobile Telecommunications System (UMTS), and Cellular Digital Packet Data (CDPD).

However, Leppisaari teaches that the system of the mobile device is adapted to use a data service protocol selected from a group consisting of General Packet Radio Service (GPRS)(see col.5 lines 24-63).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Leppisaari into the teaching of Hagen and Anderson to provide a method of operating a mobile communication system supporting radio data transmission between a mobile station and a network in a number of different packet data protocols including a point to multipoint-multicast protocol, where the protocol is identified by a protocol identifier transmitted between the network and the mobile station.

Consider claims 28-29, 31 and 60-63, Leppisaari teaches that the standard mobile wireless communication protocol includes a wireless communication protocol to operate on a long-range wireless network (see fig.2, (between MS and BSS); and the system of the wireless communication protocol to operate on a long-range

wireless network (see fig.2, (between MS and BSS) includes a protocol selected from a group consisting of Global System for Mobile Communications (GSM), Code Division Multiple Access-One (cdmaOne), Time Division Multiple Access (TDMA), PDC, JDC, Universal Mobile Telecommunications System (UMTS), Code Division Multiple Access-2000 (cdma2000), and Digital Enhanced Cordless Telephony (DECT) (see col.5 lines 24-63); and the system of the at least one network includes a short range network (see fig.2 (between MS and PC/PDA)); and the system of the short-range (see fig.2 (between MS and PC/PDA)) network includes a short range network selected from a group consisting of a radio communication network, an optical communication network, and a wired communication network (see col.5 lines 24-63).

Consider claim 32, Anderson teaches that the system of the optical (infrared) communication network (see fig.1) includes an optical communication network using Infrared Data Association (IrDA) protocol (see col.22 line 63-col.23 line 35).

Consider claims 34, Leppisaari teaches the system of further comprising an the server is adapted to couple to an Internet (see fig.2).

Consider claim 35, Hagen teaches that the system, further comprising a gateway inherently (because such as a computer includes with a network card or router switch) adapted to coupled in a communication path between the mobile device (see fig.9, 320) and the server (236 such as center computer and see col.2, line 22-42 and see col. 14 line 1-col. 15 line 33).

7. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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Hagen et al. (US PAT 6,424,722) as modified by Anderson (US PAT 5,721,783) as claim 36 above, and further in view of Szymansky (US PAT 6,557,029).

Consider claim 37, Hagen and Anderson teaches a hearing system, but Hagen and Anderson fail to teach the system of the distributed application includes an applet

However, Szymansky teaches the system of the distributed application includes an applet (see col.4 lines 1-39).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Szymansky into the teaching of Hagen and Anderson to provide several different software processes simultaneously in the database.

Consider claims 38-40, Szymansky teaches the system of the applet is configured as a java applet (see col.4 line 1-39); and the system of the applet is adapted to receive information from the computer, and wherein the applet is adapted to transmit information to the computer (see figs. 1-2 and col.4 lines 1-39); and the system of the mobile device includes a browser that is adapted to receive the applet to execute on the mobile device so as to interact with the system (see figs. 1-2 and col.4 lines 1-39).

8. Claims 41 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. (US PAT 6,424,722) as modified by Anderson (US PAT 5,721,783) as claims 15-16 and 47-48 above, and further in view of Knappe (US PAT 6,6061,431).

Consider claims 41 and 71, Hagen and Anderson do not clearly teach that the system of the server includes a database that includes patient data, and audiological data associated with at least one hearing aid system.

However, Knappe teaches that the system of the server includes a database that includes patient data, and audiological data associated with at least one hearing aid system (see col.2 line 19-col.3 line10).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Knappe into the teaching of Hagen and Anderson to provide hearing compensation parameters stored in a searchable attribute database associated with a user's telephone number.

Consider claims 69-71, Knappe teaches that the system of the at least one object (such as for matching telephone number) is adapted to receive information from the server, and wherein the at least one object is adapted to transmit information to the server (see col.2 line 19-col.2 line 33); and the system of the terminal includes a software environment that is adapted to receive the at least one object (such as for matching telephone number) to execute on the terminal so as to interact with the hearing aid system (see col.1 line 36-col.2 line 5); and the system of the server includes a database that includes patient data (user's profile), and audiological data associated with at least one hearing aid system (see col.2 line 12-col.3 line 35).

9. Claim 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

over Hagen et al. (US PAT 6,424,722) as modified by Anderson (US PAT 5,721,783) as claim 15 and 24 above, and further in view of Fazio (US PAT 6,590,986).

Consider claim 43, Hagen and Anderson do not teaches the system of the personal communication and information device includes a CompactFlash module that is adapted to communicate with the hearing aid system.

However, Fazio teaches that the system of the personal communication and information device includes a CompactFlash module that is adapted to communicate with the hearing aid system (see abstract and fig.2).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fazio into the teaching of Hagen and Anderson to provide a hearing aid programming interface that is compatible with computers of all types.

Consider claim 44, Anderson teaches the system of the digital cellular phone includes a custom interface module that is adapted to communicate with the hearing aid system (see col.26 line 6-col.27line 24).

Consider claims 45-46, Fazio teaches the system of the upgraded audiological software includes a piece of software to be executed on the mobile device (see figs. 1-2 and col.3 line 19-col.4 line30); and the system of the hearing aid system includes a hearing aid, and wherein the upgraded audiological software includes a piece of software to be executed on the hearing aid (see figs. 1-2 and col.3 line 19-col.4 line 30).

10. Claims 42 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. (US PAT 6,424,722) and Anderson (US PAT 5,721,783) as modified by Leppisaari et al. (US PAT 6,717,925) as applied to claims 15 and 31 above, and further in view of Peters (US PAT 6,601,093).

Consider claims 42 and 72, Hagen, Anderson and Leppisaari do not teach that the system of the radio communication network includes a network selected from a group consisting of HomeRF, DECT, PHS, WLA, and Bluetooth technology.

However, Peters teaches that the system of the radio communication network includes a network selected from a group consisting of Bluetooth technology (see col.2 line 59-col.3 line 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peters in to teaching of Hagen; Anderson and Leppisaari to provide provide a communication system which is a low-powered radio module.

11. Claims 67, 70, 93 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagen et al. (US PAT 6,424,722) as modified by Anderson (US PAT 5,721,783) as claims 36, 66 above, and further in view of Peters (US PAT 6,601,093).

Consider claims 67 and 70, Hagen teaches that the system of the terminal is configured to communicate with the hearing aid system using wireless and the terminal (such as computer) is configured to communicate with the hearing aid system over wireless or wire (see fig.1 and col.14 line 1-col.15 line 37), but Hagen and Anderson do

not clearly teach that Bluetooth wireless communication protocol; and a short-range network using a protocol associated with the short-range network.

However, Peters teaches the Bluetooth wireless communication protocol and a short-range network using a protocol associated with the short-range network (see fig.1 and col.5 line 1-col.6 line 67).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peters in to teaching of Hagen; and Anderson to provide a communication system which is a low-powered radio module for saving energy.

Consider claims 93 and 95, Anderson teach that the system of the mobile device is configured to communicate with the hearing aid system using wireless communication protocol and the system of the mobile device is configured to communicate with the hearing aid system over the short-range network (see fig.2, col.4 line26-col.5 line 60); but Hagen and Anderson do not clearly teach that the Bluetooth wireless communication protocol and a short-range network using a protocol associated with the short-range network.

However, Peters teaches the Bluetooth wireless communication protocol and a short-range network using a protocol associated with the short-range network (see fig.1 and col.5 line 1-col.6 line 67).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Peters in to teaching of Hagen; and Anderson to provide a communication system which is a low-powered radio module.

Response to Arguments

12. Applicant's arguments with respect to claims 1-5, 15-72 and 93-95 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Berg (US PAT. 6,850,775) are recited to show other related hearing aid system.

14. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:
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Customer Service Window
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao, Lun-See *L.S.*
Patent Examiner
US Patent and Trademark Office
Knox
571-272-7501
date 06-25-2007


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600